

JS 44 (Rev. 12/07)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**I. (a) PLAINTIFFS**

ANDRE JOHNSON

(b) County of Residence of First Listed Plaintiff PHILADELPHIA  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

GERALD DUGAN, ESQ., M. SUSAN TOTH, ESQ.; (SEE NEXT PAGE)

**DEFENDANTS**

CITY OF PHILADELPHIA

County of Residence of First Listed Defendant PHILADELPHIA  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

JOHN COYLE, ESQ., 1515 ARCH ST, PHILA., PA 19102

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   |                            |                            |   |                            |                            |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
|   | PTF                        | DEF                        |   | PTF                        | DEF                        |
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395f) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input checked="" type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

**V. ORIGIN**

(Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
- ☒ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
42 USC SEC. 1983

Brief description of cause:  
Plaintiff's Complaint contains allegations of violations of the Plaintiff's Federal Civil Rights.

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

05/29/2013

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG JUDGE

**IN THE UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF PENNSYLVANIA**

---

**ANDRE JOHNSON,  
4689 Hawthorne Street  
Philadelphia, PA 19124**

**Plaintiff,**

**v.**

**CITY OF PHILADELPHIA,  
1401 Arch Street  
Philadelphia, PA 19102**

**And**

**JOHN DOE I  
1401 Arch Street  
Philadelphia, PA 19102**

**And**

**Vince Sterdardo  
1401 Arch Street  
Philadelphia, PA 19102**

**Defendants.**

**Civil Action**

**NO: \_\_\_\_\_**

**Formerly**

**Court of Common Pleas  
Philadelphia County**

**No. 130400908**

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**By    Gerald Dugan, Esquire  
      M. Susan Toth, Esquire  
      DUGAN, BRINKMANN, MAGINNIS AND PACE  
      1880 John F. Kennedy, Blvd.  
      Suite 1400  
      Philadelphia, PA 19103**

**IN THE UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF PENNSYLVANIA**

**ANDRE JOHNSON,  
4689 Hawthorne Street  
Philadelphia, PA 19124**

**Plaintiff,**

**v.**

**CITY OF PHILADELPHIA,  
1401 Arch Street  
Philadelphia, PA 19102**

**And**

**JOHN DOE I  
1401 Arch Street  
Philadelphia, PA 19102**

**And**

**Vince Sterdardo  
1401 Arch Street  
Philadelphia, PA 19102**

**Defendants.**

**Civil Action**

**NO: \_\_\_\_\_**

**Formerly**

**Court of Common Pleas  
Philadelphia County**

**No. 130400908**

**NOTICE OF REMOVAL**

**To the Honorable Judges of the United States District Court for the Eastern District of Pennsylvania.**

Pursuant to 28 U.S.C. § 1441, defendant, City of Philadelphia (hereinafter “petitioner”) through its counsel, John Coyle, Assistant City Solicitor, respectfully petition for the removal of this action to the United States District Court for the Eastern District of Pennsylvania. In support thereof, defendant state the following:

1. In April, 2013 plaintiff initiated this action by a Complaint in the Court of Common Pleas in Philadelphia, No. 130400908. (Exhibit A - Complaint).

2. On April 5, 2013 said Complaint was served on Petitioner at 1515 Arch Street, 14th Floor, Philadelphia, Pennsylvania.

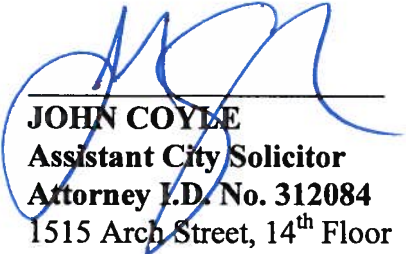
3. Plaintiff alleges that on Novmeber 5, 2012 he sustained damages when his civil rights were violated by the defendants. (Exhibit A ).

4. This action may be removed to this Court pursuant to 28 U.S.C. § 1441 since Plaintiff's Complaint contains allegations of violations of the plaintiff's Federal Civil Rights and seeks relief under 42 U.S.C. § 1983. (Exhibit A)

**Wherefore**, petitioner, City of Philadelphia, respectfully request that the captioned Complaint be removed to the United States District Court for the Eastern District of Pennsylvania.

Respectfully submitted,

Craig M. Straw  
Chief Deputy City Solicitor



**JOHN COYLE**  
Assistant City Solicitor  
Attorney I.D. No. 312084  
1515 Arch Street, 14<sup>th</sup> Floor  
Philadelphia, PA 19102  
215-683-5434

Date: 5/29/13

**IN THE UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF PENNSYLVANIA**

---

**ANDRE JOHNSON,  
4689 Hawthorne Street  
Philadelphia, PA 19124**

**Plaintiff,**

**v.**

**CITY OF PHILADELPHIA,  
1401 Arch Street  
Philadelphia, PA 19102**

**and**

**JOHN DOE I  
1401 Arch Street  
Philadelphia, PA 19102**

**and**

**Vince Sterdardo  
1401 Arch Street  
Philadelphia, PA 19102**

**Defendant.**

**Civil Action**

**NO: \_\_\_\_\_**

**Formerly**

**Court of Common Pleas  
Philadelphia County**

**No. 130400908**

---

**NOTICE OF FILING OF REMOVAL**

TO: Gerald J. Dugan, Esquire  
M. Susan Toth, Esquire  
DUGAN, BRINKMANN, MAGINNIS AND PACE  
1880 John F. Kennedy Boulevard  
Suite 1400  
Philadelphia, PA 19103

PLEASE TAKE NOTICE THAT on April 5, 2013, Defendant, City of Philadelphia filed, in the office of the Clerk of the United States District Court for the Eastern District of Pennsylvania a verified Notice of Removal.

A copy of this Notice of Removal is attached hereto and is also being filed with the Clerk of the Court of Common Pleas of Philadelphia County, pursuant to Title 28, United States Code, Section 1446(e).



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**JOHN COYLE**

**Assistant City Solicitor**

**Attorney I.D. No. 312084**

City of Philadelphia Law Department

1515 Arch Street, 14<sup>th</sup> Floor

Philadelphia, PA 19102

215-683-5434

**IN THE UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF PENNSYLVANIA**

**ANDRE JOHNSON,  
4689 Hawthorne Street  
Philadelphia, PA 19124**

**Plaintiff,**

**v.**

**CITY OF PHILADELPHIA,  
1401 Arch Street  
Philadelphia, PA 19102**

**and**

**JOHN DOE I  
1401 Arch Street  
Philadelphia, PA 19102**

**and**

**Vince Sterdardo  
1401 Arch Street  
Philadelphia, PA 19102**

**Defendant.**

**Civil Action**

**NO: \_\_\_\_\_**

**Formerly**

**Court of Common Pleas  
Philadelphia County**

**No. 130400908**

**CERTIFICATE OF SERVICE**

I, John Coyle, Assistant City Solicitor, do hereby certify that a true and correct copy of the attached Notice of Removal has been served upon the following by First Class Mail, postpaid, on the date indicated below:

TO: Gerald J. Dugan, Esquire  
M. Susan Toth, Esquire  
DUGAN, BRINKMANN, MAGINNIS AND PACE  
1880 John F. Kennedy Boulevard  
Suite 1400  
Philadelphia, PA 19103

Date: 5/29/13



**JOHN COYLE**

**Assistant City Solicitor**

**Attorney ID No. 312084**

**City of Philadelphia Law Department**

**1515 Arch Street, 14<sup>th</sup> Floor**

**Philadelphia, PA 19102**

**215-683-5434**



## Exhibit “A”

DUGAN, BRINKMANN, MAGINNIS AND PACE

BY: GERALD J. DUGAN, ESQUIRE

M. SUSAN TOTH, ESQUIRE

Attorney I.D. Nos.: 21350/208174

1880 John F. Kennedy Blvd., Ste. 1400

Philadelphia, PA 19103

Tel: (215) 563-3500

Fax: (215) 563-5610

[gjdugan@dbmplaw.com](mailto:gjdugan@dbmplaw.com)

[stoth@dbmplaw.com](mailto:stoth@dbmplaw.com)

*Attorneys for Plaintiff*

ANDRE JOHNSON  
4689 Hawthorne Street  
Philadelphia, PA 19124

*Plaintiff,*

v.

CITY OF PHILADELPHIA  
1401 Arch Street  
Philadelphia, PA 19102  
and

JOHN DOE I  
1401 Arch Street  
Philadelphia, PA 19102  
and

VINCE STERDARDO,  
1401 Arch Street  
Philadelphia, PA 19102

*Defendants.*

COURT OF COMMON PLEAS  
PHILADELPHIA COUNTY

NO. 130400908

### AMENDED COMPLAINT

1. Plaintiff, Andre Johnson, (hereinafter "Plaintiff") is an adult individual and citizen of the Commonwealth of Pennsylvania residing at 4689 Hawthorne Street, Philadelphia County, Philadelphia, Pennsylvania, 19124.

2. Defendant, City of Philadelphia (hereinafter "Defendant City") is a governmental entity, with an address of 1401 Arch Street, Philadelphia County, Philadelphia, Pennsylvania, 19102.

3. Defendant, John Doe I (hereinafter "defendant John Doe I"), is an individual, in a supervisory and/or leadership position with the City of Philadelphia Adult Probation and Parole Department, with a business address of 1401 Arch Street, Philadelphia, Pennsylvania.

4. At all material times hereto, John Doe I possessed the authority to make decisions, and enforce Department customs, policies and/or practices.

5. Defendant, Vince Sterdardo (hereinafter "defendant "), is an individual probation officer with the City of Philadelphia Adult Probation and Parole Department, with a business address of 1401 Arch Street, Philadelphia, Pennsylvania.

6. At all material times hereto, defendant Sterdardo, was Plaintiff's probation officer during the time period of October 29, 2013 through November 5, 2013.

7. On March 11, 2013, Defendants were placed on notice of Plaintiff's claim against them for injuries detailed in this Complaint.

8. Prior to October 29, 2012, Plaintiff was on probationary status with defendant City, and assigned a probation officer.

9. At some time prior to October 29, 2012, Plaintiff received a Subpoena to appear in court for a routine probation hearing, on October 29, 2012.

10. Plaintiff fully intended to appear in court on October 29, 2012, in compliance with the Subpoena issued for same.

11. However, Plaintiff was advised on October 29, 2012 and October 30, 2012 that the courts were closed due to Super Storm Sandy.

12. Prior to the courts reopening on October 31, 2012, Plaintiff received no notification whatsoever from the Court or the defendants, that his October 29, 2012 hearing had been rescheduled and he was required to appear in court on November 1, 2012.

13. Plaintiff expected to appear before defendant Sterdardo, his probation officer, on Monday, November 5, 2012, at which time he intended to inquire as to how, and when, his October 29, 2012 court appearance would be rescheduled.

14. However, in the early morning of November 5, 2012, before he had an opportunity to appear before defendant Sterdardo, Plaintiff was awakened during the night by officers from the City of Philadelphia Sheriff's Office, advising him that he was being arrested in conjunction with a bench warrant, that had been issued, pursuant to his failure to appear in court on November 1, 2012.

15. Plaintiff was immediately transported to Curran-Fromhold Correctional Facility (hereinafter "CFCF") and unlawfully detained.

16. While at CFCF, Plaintiff learned that defendant Sterdardo alleged that Plaintiff failed to appear for an October 31, 2012 hearing, even though Plaintiff's Subpoena to appear in Court was for October 29, 2012.

17. At no time did Plaintiff's probation officer notify him of the change in date.

18. While wrongfully incarcerated at CFCF, Plaintiff was initially told that he would not receive a hearing for his alleged probation violation for thirty days, in late November, 2012.

19. However, Plaintiff was able to contact a friend, who was able to get into contact with the Adult Probation and Parole Department, who subsequently moved up his initial probation violation hearing to Thursday, November 8, 2012.

20. On Thursday, November 8, 2012, Plaintiff was transported to the Criminal Justice Center, Philadelphia, for his alleged probation violation hearing.

21. While he was awaiting his hearing, Plaintiff was notified that the bench warrant, upon which his arrest was based, was in error, and that he would be transported back to CFCF and subsequently released from incarceration.

22. Plaintiff was indeed transported back to CFCF on November 8, 2012, but remained incarcerated until his release in the late evening hours on Friday, November 9, 2012.

23. As a result of Plaintiff's unlawful detention by Defendants, Plaintiff suffered damages.

**COUNT I - FEDERAL RIGHTS VIOLATIONS Under 42 U.S.C. §1983**  
**PLAINTIFF ANDRE JOHNSON v. CITY OF PHILADELPHIA, JOHN DOE I, and**  
**JOHN DOE II**

24. Plaintiff incorporates paragraphs one through twenty-three as if set forth at length.

25. Upon information and belief, all defendants knew, or should have known, that the court's closure due to Super Storm Sandy, would result in the improper issuance of warrants for those who could not attend their scheduled hearings due to the closure.

26. Defendants City and John Doe I failed to review those warrants issued for individuals who failed to appear at hearings scheduled for the dates the court was closed, and/or reset the computer system which notified the Probation Department of an individual's failure to appear at a hearing.

27. In doing so, defendants City and John Doe I made a deliberate decision and choice to allow warrants to be erroneously issued, when they knew probation violations had not occurred because the courts were closed.

28. By allowing the erroneous warrants to be issued, the City and John Doe I were enforcing or acquiescing to a custom, policy and practice of the City.

29. The custom, pattern and practice of the City deprived individuals, including

Plaintiff, of his rights, privileges and immunities under the laws and Constitution of the United States, his right to be free from unreasonable seizure, false arrest and false imprisonment, all to decedent's great detriment and loss.

30. The actions of the defendants deprived Plaintiff of the rights secured to him by the Constitution of the United States, in particular, the Fourth and Fourteenth Amendments thereof and in violation of 42 U.S.C. §1983.

31. By filing to take any action to cancel the warrant that defendant Sterdardo knew, or should have known, would be issued for Plaintiff's arrest, defendant Sterdardo violated Plaintiff's right to be free from unreasonable seizure.

WHEREFORE, Plaintiff Andre Johnson requests that judgment be entered in his favor and against Defendants City, John Doe I, and Sterdardo, in an amount not in excess of \$50,000.00.

**COUNT II – FALSE ARREST and FALSE IMPRISONMENT**  
**PLAINTIFF ANDRE JOHNSON V. DEFENDANT VINCE STERDARDO**

32. Plaintiff incorporates paragraphs one through thirty-one as if set forth at length.

33. Defendant Sterdardo willfully and erroneously notified the City Department of Adult Probation and Parole that Plaintiff failed to appear for a hearing on October 31, 2012, despite Plaintiff having been served a Subpoena for an October 29, 2012 hearing date.

34. Defendant Sterdardo failed to notify Plaintiff of the change in hearing dates, prior to notifying the Department of the alleged violation.

35. The actions of defendant Sterdardo resulted in Plaintiff being arrested and unlawfully detained, with the intent to imprison, for an alleged probation violation.

36. The actions of defendant Sterdardo caused City employees to base their unlawful arrest and imprisonment of Plaintiff on an erroneous and invalid warrant.

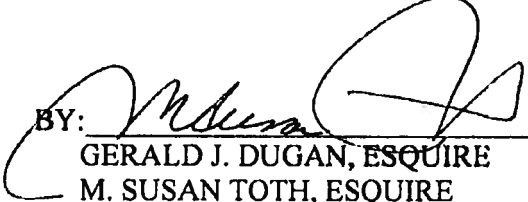
37. The actions of defendant Sterdardo caused Plaintiff to be wrongfully imprisoned for five days.

38. In failing to take appropriate action, Sterdardo engaged in willful misconduct.

39. As a result of defendant Sterdardo's actions, Plaintiff suffered damages consisting of mental and emotional injuries, including, but not limited to the inability to contact his children to let them know where he was, freight, horror, grief, humiliation, and fear, all of which may be, or are, permanent in nature.

WHEREFORE, Plaintiff Andre Johnson requests that judgment be entered in his favor and against defendant Sterdardo in an amount not in excess of \$50,000.00.

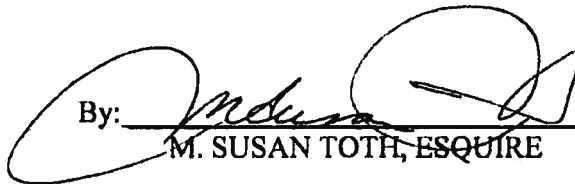
DUGAN, BRINKMANN, MAGINNIS AND PACE

BY:   
GERALD J. DUGAN, ESQUIRE  
M. SUSAN TOTH, ESQUIRE

**VERIFICATION**

M. Susan Toth, Esquire, hereby states that she is counsel for the Plaintiff within and verifies that the statements made in the foregoing Amended Complaint are true and correct to the best of her knowledge, information and belief. The undersigned understands that the statements therein are made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

DUGAN, BRINKMANN, MAGINNIS and PACE

By:   
M. SUSAN TOTH, ESQUIRE



## UNITED STATES DISTRICT COURT

**FOR THE EASTERN DISTRICT OF PENNSYLVANIA – DESIGNATION FORM** to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 4689 Hawthorne Street, Philadelphia, PA 19124

Address of Defendant: City of Philadelphia Law Department, 1515 Arch Street, 14<sup>th</sup> Floor, Philadelphia, PA 19102

Place of Accident, Incident or Transaction: Curran-Fromhold Correctional Facility  
(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?  
(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a)). Yes ☐ No ☐

Does this case involve multidistrict litigation possibilities? Yes ☐ No ☐  
RELATED CASE IF ANY:

Case Number: \_\_\_\_\_ Judge \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?  
Yes ☐ No ☐
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?  
Yes ☐ No ☐
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?  
Yes ☐ No ☐

CIVIL: (Place in ONE CATEGORY ONLY)

**A. Federal Question Cases:**

1. ☐ Indemnity Contract, Marine Contract, and All
2. ☐ FELA
3. ☐ Jones Act – Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐ All Other Federal Questions Cases (Please specify)

**B. Diversity Jurisdiction Cases:**

- Other Contracts 1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
  3. ☐ Assault, Defamation
  4. ☐ Marine Personal Injury
  5. ☐ Motor Vehicle personal Injury
  6. ☐ Other Personal Injury (Please specify)
  7. ☐ Products Liability
  8. ☐ Products liability - Asbestos
  9. ☐ All other Diversity Cases  
(Please specify)

**ARBITRATION CERTIFICATION**

(Check appropriate Category)

I, John Coyle, counsel of record do hereby certify:

- ☐ Pursuant to Local Rule 53.3 A, civil rights cases are excluded from arbitration.
- ☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
- ☐ Relief other than monetary damages is sought.

DATE: 5/29/13

John Coyle, Esquire  
Attorney-at-Law

312084  
Attorney I.D. #

**NOTE:** A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: \_\_\_\_\_

John Coyle, Esquire

312084  
Attorney I.D. #



- (c) Arbitration -- Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )
- (d) Asbestos -- Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management -- Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ( )
- (f) Standard Management -- Cases that do not fall into any one of the other tracks. (X)

5/29/13  
Date

John Coyle, Esq.

CITY OF PHILADELPHIA  
Attorney for

(215) 683-5434

(215) 683-5397

john.coyle@phila.gov

Telephone

FAX Number

E-mail Address